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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AILEEN KREWSON,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. C 12-00301 JST

~~STIPULATION AND (PROPOSED)~~  
ORDER REGARDING DEPOSITION  
OF PLAINTIFF'S NON-RETAINED  
EXPERTS

Trial Date: 2/10/2014

**FILED**

JAN 06 2014

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 BY AND THROUGH THEIR COUNSEL OF RECORD, THE PARTIES STIPULATE AS  
2 FOLLOWS:

- 3 1. Following the government shutdown in October 2013, the parties submitted a Stipulation and  
4 Proposed Order to re-set certain pretrial deadlines in this case relating to expert witness  
5 disclosure and discovery. (Dkt. 58) The Court signed the proposed order on October 28,  
6 2013. (Dkt. 59) Under the terms of the stipulation and resulting order, the parties had until  
7 November 19, 2013 to disclose expert witnesses, until November 26, 2013 to disclose rebuttal  
8 expert witnesses and until December 17, 2013 to complete expert discovery.
- 9 2. On November 19, 2013, Plaintiff Krewson served a disclosure of Non-Retained Experts  
10 Maria Alvarez, Ph.D. and Cary Wheeler, D.O., by regular mail.
- 11 3. On November 22, 2013, Defendant's counsel sent a letter to Plaintiff's counsel, via email,  
12 lodging certain objections to the Plaintiff's November 19<sup>th</sup> disclosure.
- 13 4. On November 26, 2013, Plaintiff's counsel responded by email to the November 22<sup>nd</sup>  
14 objections and indicated a willingness to provide the medical records relating to the care  
15 provided by Drs. Alvarez and Wheeler to the Plaintiff. Defense counsel was out of town and  
16 without access to the email when it arrived.
- 17 5. On December 9, 2013, Defense counsel sent a letter to Plaintiff's counsel, via email,  
18 summarizing the parties' positions and requesting a response no later than December 23,  
19 2013.
- 20 6. On December 20, 23, 26, and 30, 2013, counsel met and conferred by telephone regarding  
21 Defendant's objections to Plaintiff's November 22<sup>nd</sup> disclosure of Non-Retained Experts. As  
22 a result of those meet and confer discussions, the parties have reached the compromised  
23 outlined below.
- 24 7. Maria Alvarez, PhD, will appear for her deposition at the U.S. Attorney's Office, 450 Golden  
25 Gate Avenue, 9<sup>th</sup> Floor, San Francisco, CA 94102 at 11:00 a.m. on Friday, January 10, 2013.  
26 Defendant has served a notice on Plaintiff's counsel and will have a subpoena served on Dr.  
27 Alvarez at her place of employment. Dr. Alvarez has confirmed her availability for this date  
28

1 and time in discussions with Plaintiff's counsel. An earlier deposition is not convenient for  
2 Dr. Alvarez due to her work schedule and a family issue. Defendant will tender the statutory  
3 witness fee of \$50 plus mileage to Dr. Alvarez as a non-retained expert, within a reasonable  
4 time period following her deposition.

- 5 8. Defendant reserves the right to object to those aspects of Dr. Alvarez's testimony, if any, that  
6 are outside the scope of testimony permissible for a non-retained expert witness. Defendant  
7 notes that its November 22, 2013 objections included an objection that Plaintiff's counsel did  
8 not provide a Rule 26(a)(2)(C) description of her anticipated expert testimony that includes a  
9 statement of the subject matter the witness is expected to present and a summary of the facts  
10 and opinions to which the expert is expected to testify. Plaintiff's disclosure stated only that  
11 Dr. Alvarez "will testify to the mental health injuries by Plaintiff Aileen Krewson as a result  
12 of the events surrounding this case."

- 13 9. Plaintiff has withdrawn her designation of Dr. Wheeler.

14 IT IS SO STIPULATED.

15  
16 Dated: December 31, 2013

UNITED STATES ATTORNEY

17  
18 By: /s/  
JONATHAN U. LEE  
VICTORIA R. CARRADERO  
19 *Attorneys for Defendant*

20 Dated: January 6, 2014

WALSTON CROSS


21 /s/  
22 GREGORY S. WALSTON, ESQ.  
23 ORESTES A. CROSS, ESQ.  
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24 *Attorneys for Plaintiff*

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~~(PROPOSED)~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

January 6, 2014

  
Hon. JON S. TIGAR  
UNITED STATES DISTRICT JUDGE